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EXAMINER	
GAUTHIER, GERALD	
ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 12/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/703,341	HUART ET AL.	
	Examiner	Art Unit	
	Gerald Gauthier	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-61 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-61 is/are rejected.

7)☒ Claim(s) 3,5,11,18,26,33,41,48 and 61 is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Objections

1. **Claims 3, 5, 11, 18, 26, 33, 41, 48 and 61** are objected to because of the following informalities:

Claim 3, lines 3-4 "substantially immediately" is unclear whether the delay is substantial and immediate.

Claim 11, 18, 26, 33, 41, 48 and 61 have the same problem.

Claim 5, lines 4-5 "a the time" should be "a time". Correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 1-61** are rejected under 35 U.S.C. 103(a) as being unpatentable over Donovan (US 6,434,143) in view of Hartley et al. (6,463,146).

Regarding **claim 1**, Donovan discloses an Internet protocol telephony voice/video message deposit and retrieval (column 1, lines 8-11), (which reads on claimed "a method for call connected to voice mail", comprising:

generating real-time packets (column 6, line 27 "voice content") for transmission of a message (column 6, line 27) toward a voice mail system (25 on FIG. 1 and column 6, lines 27-31) [The message is deposited into the called party's mailbox address].

Donovan fails to disclose interrupting generation of the real-time packets, resuming generation of the real-time packets, indicating that the real-time packets generated subsequent to the delay.

However, Hartley teaches interrupting generation of the real-time packets (column 8, line 49 "no carrier") upon a call answer (column 8, line 42 "accept incoming call") by a party (column 8, lines 42-52);

resuming generation of the real-time packets (column 6, lines 49-55) for transmission after a delay (column 6, line 39 "after a certain period") associated with the call answer (column 6, lines 38-51); and

indicating that the real-time packets generated subsequent to the delay follow the real-time packets (column 9, line 18 "suspended call") generated prior to the delay in the message by a time amount (column 9, line 15 "at the same time") less than the delay (column 9, lines 13-23).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use interrupting generation of the real-time packets, resuming

generation of the real-time packets, indicating that the real-time packets generated subsequent to the delay of Hartley in the invention of Donovan.

The modification of the invention would offer the capability of interrupting generation of the real-time packets, resuming generation of the real-time packets, indicating that the real-time packets generated subsequent to the delay such as the user would not miss calls.

Regarding **claims 2, 17, 32 and 47**, Donovan discloses transmitting the real-time packets as they are generated (column 6, lines 27-31).

Regarding **claims 3, 18, 33 and 48**, Donovan fails to disclose indicating to the voice mail system.

However, Hartley teaches indicating to the voice mail system that the real-time packets generated subsequent to the delay immediately follow the real-time packets generated prior to the delay in the message (column 8, lines 42-52).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use indicating to the voice mail system of Hartley in the invention of Donovan.

The modification of the invention would offer the capability of indicating to the voice mail system such as the user would resume the calls.

Regarding **claims 4, 19, 34 and 49**, Donovan fails to disclose indicating to the voice mail system.

However, Hartley teaches indicating to the voice mail system that the real-time packets generated subsequent to the delay immediately follow the real-time packets generated prior to the delay in the message (column 8, lines 42-52).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use indicating to the voice mail system of Hartley in the invention of Donovan.

The modification of the invention would offer the capability of indicating to the voice mail system such as the user would resume the calls.

Regarding **claims 5, 20, 35 and 50**, Donovan fails to disclose indicating to the voice mail system.

However, Hartley teaches the indication to the voice mail system that the real-time packets generated subsequent to the delay follow the real-time packets generated prior to the delay in the message by a the time amount less than the delay comprises an in-band notification (column 8, lines 42-52).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use indicating to the voice mail system of Hartley in the invention of Donovan.

The modification of the invention would offer the capability of indicating to the voice mail system such as the user would resume the calls.

Regarding **claims 6, 21 and 36**, Donavan discloses the in-band notification comprises timing indicators in the real-time packets (column 6, lines 33-44).

Regarding **claims 7, 22 and 37**, Donovan fails to disclose the timing indicators comprise time stamps.

However, Hartley teaches the timing indicators comprise time stamps (column 7, lines 1-15).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the timing indicators of Hartley in the invention of Donovan.

The modification of the invention would offer the capability of the timing indicators such as the user would not miss calls.

Regarding **claims 8, 23 and 38**, Donovan fails to disclose the timing indicators comprise time stamps.

However, Hartley teaches the timing indicators comprise sequence numbers (column 7, lines 1-15).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the timing indicators of Hartley in the invention of Donovan.

The modification of the invention would offer the capability of the timing indicators such as the user would not miss calls.

Regarding **claims 9, 24 and 39**, Donovan fails to disclose the indication to the voice mail system.

However, Hartley teaches the indication to the voice mail system that the real-time packets generated subsequent to the delay follow the real-time packets generated prior to the delay in the message by the time amount less than the delay comprises an out-of band signal between a device generating the real-time packets and the voice mail system (column 8, lines 42-52).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the indication to the voice mail system of Hartley in the invention of Donovan.

The modification of the invention would offer the capability of the indication to the voice mail system such as the user would resume the calls.

Regarding **claims 10, 25, 40 and 57**, Donovan discloses the packets comprise real-time transport protocol (RTP) packets (column 1, lines 25-32).

Regarding **claims 11, 26, 41 and 56**, Donovan fails to disclose the packets each comprise a time stamp and sequence number.

However, Hartley teaches the packets each comprise a time stamp and sequence number operable to indicate to the voice mail system that the packets generated subsequent to the delay substantially immediately follow the packets generated prior to the delay in the message (column 8, lines 42-52).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the packets each comprise a time stamp and sequence number of Hartley in the invention of Donovan.

The modification of the invention would offer the capability of the packet comprising a time stamp such as the user would not miss calls.

Regarding **claims 12, 27, 42 and 51**, Donovan discloses generating the real-time packets for transmission of the message after the delay based on the value of the timing indicator (column 8, lines 42-52).

Donovan fails to disclose storing a value of a timing indicator.

However, Hartley teaches storing a value of a timing indicator upon the call answer by the party generating the message (column 7, lines 1-15).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use storing a value of a timing indicator of Hartley in the invention of Donovan.

The modification of the invention would offer the capability of storing a value of a timing indicator such as the user would not miss calls.

Regarding **claims 13, 28 and 43**, Donovan fails to disclose generating real-time packets for transmission.

However, Hartley teaches generating real-time packets for transmission of the message after the delay based on the value of the timing indicator comprising generating a first real-time packet after the delay using the value of the timing indicator and generating each successive real-time packet by incrementing the timing indicator of the previous packet (column 8, lines 42-52).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use generating real-time packets for transmission of Hartley in the invention of Donovan.

The modification of the invention would offer the capability of generating real-time packets for transmission such as the user would not miss calls.

Regarding **claims 14, 29 and 44**, Donovan fails to disclose generating the first real-time packet after the delay.

However, Hartley teaches generating the first real-time packet after the delay using the value of the timing indicator comprising including the value of the timing indicator in the first real-time packet after the delay (column 8, lines 42-52).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use generating the first real-time packet after the delay of Hartley in the invention of Donovan.

The modification of the invention would offer the capability of generating the first real-time packet after the delay such as the user would not miss calls.

Regarding **claims 15, 30, 45 and 52**, Donovan fails to disclose periodically transmitting a packet during the delay.

However, Hartley teaches periodically transmitting a packet during the delay to prevent an automatic disconnect by the voice mail system (column 8, lines 42-52).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use periodically transmitting a packet during the delay of Hartley in the invention of Donovan.

The modification of the invention would offer the capability of periodically transmitting a packet during the delay such as the user would not miss calls.

Regarding **claim 16**, Donovan discloses an Internet protocol telephony voice/video message deposit and retrieval (column 1, lines 8-11), (which reads on claimed "a method for call connected to voice mail", comprising:

logic (column 5, line 52 "SIP INVITE") encoded in media (column 5, lines 52-55);

the logic operable to generate real-time packets (column 6, line 27 "voice content") for transmission of a message (column 6, line 27) toward a voice mail system (25 on FIG. 1 and column 6, lines 27-31) [The message is deposited into the called party's mailbox address].

Donovan fails to disclose to interrupt generation of the real-time packets, to resume generation of the real-time packets and to indicate that the real-time packets generated subsequent to the delay.

However, Hartley teaches to interrupt generation of the real-time packets (column 8, line 49 "no carrier") upon a call answer (column 8, line 42 "accept incoming call") by a party (column 8, line 42-52), to resume generation of the real-time packets (column 6, lines 49-55) for transmission after a delay (column 6, line 39 "after a certain period") associated with the call answer (column 6, lines 38-51) and to indicate that the real-time packets generated subsequent to the delay follow the real-time packets generated prior to the delay in the message by a time amount (column 9, line 15 "at the same time") less than the delay (column 9, lines 13-23).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use to interrupt generation of the real-time packets, to resume

generation of the real-time packets and to indicate that the real-time packets generated subsequent to the delay of Hartley in the invention of Donovan.

The modification of the invention would offer the capability of interrupt generation of the real-time packets, resume generation of the real-time packets and indicate that the real-time packets generated subsequent to the delay such as the user would not miss calls.

Regarding **claim 31**, Donovan discloses an Internet protocol telephony voice/video message deposit and retrieval (column 1, lines 8-11), (which reads on claimed "a method for call connected to voice mail" comprising:

means (23 on FIG. 1) for generating real-time packets (column 6, line 27 "voice content") for transmission of a message (column 6, line 27) toward a voice mail system (25 on FIG. 1 and column 6, lines 27-31) [The message is deposited into the called party's mailbox address].

Donovan fails to disclose means for interrupting generation of the real-time packets, means for resuming generation of the real-time packets and means for indicating that the real-time packets generated subsequent to the delay.

However, Hartley teaches means (column 8, line 44 "ISP's modem controllers") for interrupting generation of the real-time packets (column 8, line 49 "no carrier") upon a call answer (column 8, line 42 "accept incoming call") by a party (column 8, line 42-52);

means (column 8, line 44 "ISP's modem controllers") for resuming generation of the real-time packets (column 6, lines 49-55) for transmission after a delay (column 6, line 39 "after a certain period") associated with the call answer (column 6, lines 38-51); and

means (column 8, line 44 "ISP's modem controllers") for indicating that the real-time packets generated subsequent to the delay follow the real-time packets (column 9, line 18 "suspended call") generated prior to the delay in the message by a time amount (column 9, line 15 "at the same time") less than the delay (column 9, lines 13-23).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use means for interrupting generation of the real-time packets, means for resuming generation of the real-time packets and means for indicating that the real-time packets generated subsequent to the delay of Hartley in the invention of Donovan.

The modification of the invention would offer the capability of means for interrupting generation of the real-time packets, means for resuming generation of the real-time packets and means for indicating that the real-time packets generated subsequent to the delay such as the user would not miss calls.

Regarding **claim 46**, Donovan discloses an Internet protocol telephony voice/video message deposit and retrieval (column 1, lines 8-11), (which reads on claimed "a method for interrupting of a real-time connection to a non real-time application"), comprising:

generating real-time packets (column 6, line 27 "voice content") for transmission of an information stream (column 6, line 27 "a message") toward a non-real time application (25 on FIG. 1 and column 6, lines 27-31) [The message is deposited into the called party's mailbox address].

Donovan fails to disclose interrupting generation of the real-time packets, resuming generation of the real-time packets and indicating that the real-time packets generated subsequent to the delay.

However, Hartley teaches interrupting generation of the real-time packets (column 8, line 49 "no carrier") upon an intervening event (column 8, line 42-52);

resuming generation of the real-time packets (column 6, lines 49-55) for transmission of the information stream toward the non real-time application after a delay (column 6, line 39 "after a certain period") associated with the intervening event (column 6, lines 38-51); and

indicating to the non real-time application that the real-time packets generated subsequent to the delay follow the real-time packets (column 9, line 18 "suspended call") generated prior to the pause in the information stream by a time (column 9, line 15 "at the same time") less than the delay (column 9, lines 13-23).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use interrupting generation of the real-time packets, resuming generation of the real-time packets and indicating that the real-time packets generated subsequent to the delay of Hartley in the invention of Donovan.

The modification of the invention would offer the capability of interrupting generation of the real-time packets, resuming generation of the real-time packets and indicating that the real-time packets generated subsequent to the delay such as the user would not miss calls.

Regarding **claim 53**, Donovan discloses the non real time application comprises an application recording the information stream (column 6, lines 27-31).

Regarding **claim 54**, Donovan discloses the intervening event comprises an intervening connection (column 5, lines 52-56).

Regarding **claim 55**, Donovan discloses the information stream comprises an audio stream (column 6, lines 27-31).

Regarding **claim 58**, Donovan discloses establishing a connection with the non real-time application (25 on FIG. 1); and

receiving a notification from the non real-time application that it comprises a non real-time application (column 6, lines 33-44).

Regarding **claim 59**, Donovan discloses an Internet protocol telephony voice/video message deposit and retrieval (column 1, lines 8-11), (which reads on claimed "a voice mail system"), comprising:

logic (column 5, line 52 "SIP INVITE") encoded on media (column 5, lines 52-55); and

the logic operable to indicate to a real-time application (15a on FIG. 1) connected over a network (17 on FIG. 1) that the voice mail system comprises a non real-time application (column 6, line 27 "message") and to store information (column 6, line 27 "voice content") received from the real-time application in a temporal placement (column 6, line 28 "mailbox" and column 6, lines 27-31).

Donovan fails to disclose disparate from that in which it was recorded and interrupting generation of the real-time packets.

However, Hartley teaches disparate from that in which it was recorded based on an indication (column 6, line 39 "after a certain period") from the real-time application (column 1, line 1).

interrupting generation of the real-time packets (column 8, line 49 "no carrier") upon an intervening event (column 6, lines 38-51);

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use disparate from that in which it was recorded and interrupting generation of the real-time packets of Hartley in the invention of Donovan.

The modification of the invention would offer the capability of disparate from that in which it was recorded and interrupting generation of the real-time packets such as the user would not miss calls.

Regarding **claim 60**, Donovan discloses an Internet protocol telephony voice/video message deposit and retrieval (column 1, lines 8-11), (which reads on claimed "a propagated signal"), comprising:

a transmission medium (17 on FIG. 1); and

a real-time transport protocol packet (column 5, line 44) transmitted on the transmission medium toward a non real time application (25 on FIG. 1).

Donovan fails to disclose the packet comprising a time stamp.

However, Hartley teaches the packet comprising a time stamp (column 7, line 6 "Timer T2") disparate from an original time stamp (column 7, line 1 "Timer T1") of payload data (column 6, line 65 "signaling") and operable to indicate a temporal placement (column 8, line 49 "carrier") in an information stream (column 8, line 42 "incoming call") disparate from an original placement (column 8, line 44 "ISP's application") in the information stream (column 8, lines 42-59).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the packet comprising a time stamp of Hartley in the invention of Donovan.

The modification of the invention would offer the capability of the packet comprising a time stamp such as the user would not miss calls.

Regarding **claim 61**, Donovan discloses an Internet protocol telephony voice/video message deposit and retrieval (column 1, lines 8-11), (which reads on claimed "a method for call answer while connected to voice mail"), comprising:

generating real-time transport protocol packets (column 5, line 44) for transmission of a message (column 6, line 27 "a message") toward a voice mail system (25 on FIG. 1 and column 6, lines 27-31) [The message is deposited into the called party's mailbox address].

Donovan fails to disclose interrupting generation of the real-time packets, storing a time stamp value, resuming generation of the real-time packets and generating of the packets.

However, Hartley teaches interrupting generation of the packets (column 8, line 49 "no carrier") in response to a call answer (column 8, line 42 "accept incoming call") by a party (column 8, line 42-52);

storing a time stamp value (column 7, line 1 "Timer T1") and a sequence number value (column 7, line 3 "recommended value") upon interrupting generation of the packets (column 7, lines 1-5);

resuming generation of the packets for transmission of the message toward the voice mail system after a delay (column 6, line 39 "after a certain period") ending upon resumption by the party (column 6, lines 38-51); and

upon resumption, generating the packets based on the time stamp value (column 7, line 1 "Timer T1") and the sequence number value (column 7, line 3 "Recommended value"), the time stamps and sequence numbers of the packets generated after the

delay operable to indicate to the voice mail system that the packets substantially immediately follow the packets generated prior to the call answer in the message (column 9, lines 13-23).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use interrupting generation of the real-time packets, storing a time stamp value, resuming generation of the real-time packets and generating of the packets of Hartley in the invention of Donovan.

The modification of the invention would offer the capability of interrupting generation of the real-time packets, storing a time stamp value, resuming generation of the real-time packets and generating of the packets such as the user would not miss calls.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

O'Donovan et al. is cited for a message transfer system (FIG. 1).

Porter is cited for a World Wide Web voice mail system (FIG. 1).

Katseff et al. is cited for a system for allowing access to traditional voice mail (FIG. 2).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Gerald Gauthier
g.g.
December 5, 2002

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